

Bradley T. Hunsicker (Wyo. Bar 7-4579)  
**MARKUS WILLIAMS YOUNG & ZIMMERMANN LLC**  
106 East Lincolnway, Suite 300  
Cheyenne, WY 82001  
Telephone: 307-778-8178  
[bhunsicker@markuswilliams.com](mailto:bhunsicker@markuswilliams.com)

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF WYOMING**

In re: ) Chapter 11  
 )  
POWELL VALLEY HEALTH CARE, INC., ) Case No. 16-20326  
 )  
Debtor-in-Possession. )

---

**MOTION TO VACATE AND CONTINUE HEARING ON DEBTOR'S  
MOTION OF THE DEBTOR FOR AUTHORIZATION TO CONDUCT RULE  
2004 EXAMINATION OF THE MALPRACTICE INSURANCE COMPANIES  
AND THE JOINDER AND OPPOSITION FILED THERETO**

---

Powell Valley Health Care, Inc. ("PVHC", or the "Debtor"), the debtor and debtor in possession in the above captioned case, hereby files this motion to vacate and continue the hearing set for January 11, 2017, at 2:00 p.m., on the Debtor's *Motion of the Debtor for Authorization to Conduct Rule 2004 Examination of the Malpractice Insurance Companies* [Doc. 353], the *Insurance Companies' Joint Opposition to Motion for Authorization to Conduct Rule 2004 Examination and Request to be Heard* [Doc. 359] filed by UMIA Insurance, Inc. ("UMIA"), Lexington Insurance Company ("Lexington"), and Homeland Insurance Company of New York ("Homeland") (collectively, the "Insurance Companies") and the *Joinder to Motion of the Debtor for Authorization to Conduct Rule 2004 Examination of the Malpractice Insurance Companies and Joinder to*

*Response to Insurance Companies' Joint Opposition to Motion for Authorization to Conduct Rule 2004 Examination and Request to be Heard* [Doc. 368] filed by the Official Committee of Unsecured Creditors (the "Committee"), and in support thereof shows the Court as follows:

1. Since filing its *Motion of the Debtor for Authorization to Conduct Rule 2004 Examination of the Malpractice Insurance Companies* [Doc. 353] (the "Motion for 2004 Exam"), the Debtor has participated in meaningful discussions with the Insurance Companies in an effort to avoid the need for seeking the relief requested in the Motion for 2004 Exam.

2. At the juncture, the Debtor is encouraged with its discussions with the Insurance Companies, as well as its continued negotiations with the Committee, and believes that the interests of all parties would be better served if the parties focused their efforts on negotiating a consensual Plan, rather than spending time preparing to argue the merits of the motion.

3. Accordingly, the Debtor requests that the hearing on the Motion for 2004 Exam be vacated and continued for approximately thirty (30) days.

4. The Committee has consented to the relief requested in this motion.

**WHEREFORE**, the Debtor respectfully requests the Court enter an order substantially in the form attached hereto at Exhibit A vacating and continuing the hearing on the Motion for 2004 Exam.

Dated: January 9, 2017.

**MARKUS WILLIAMS YOUNG &  
ZIMMERMANN LLC**

By: /s/ Bradley T. Hunsicker  
Bradley T. Hunsicker (WY Bar No 7-4579)  
John F. Young (Pro Hac Vice)  
106 East Lincolnway, Suite 300  
Cheyenne, WY 82001  
Telephone: 307-778-8178  
Facsimile: 307-638-1975  
Email: [bhunsicker@markuswilliams.com](mailto:bhunsicker@markuswilliams.com)

Counsel for the Debtor and Debtor-in-  
Possession

**CERTIFICATE OF SERVICE**

The undersigned certifies that on January 9, 2017, a copy of the foregoing was served *electronically* upon those parties indicated below:

**UMIA Insurance, Inc.:**

c/o James T. Burghardt  
Timothy M. Swanson  
Moye White LLP  
1400 16th St., 6th Floor  
Denver, CO 80202  
[jim.burghardt@moyewhite.com](mailto:jim.burghardt@moyewhite.com)  
[tim.swanson@moyewhite.com](mailto:tim.swanson@moyewhite.com)

c/o Julie Nye Tiedeken  
McKellar, Tiedeken & Scoggin, LLC  
702 Randall Avenue  
P.O. Box 748  
Cheyenne, WY 82003  
[jtiedeken@mtslegal.net](mailto:jtiedeken@mtslegal.net)

**Homeland Insurance Company of NY:**

Judith Studer  
Patrick T. Holscher  
Schwartz, Bon, Walker & Studer, LLC  
141 S. Center St., Suite 500  
Casper, WY 82601  
(307) 235-6681  
(307) 234-5099 Fax  
[jstuder@schwartzon.com](mailto:jstuder@schwartzon.com)  
[pat@schwartzbon.com](mailto:pat@schwartzbon.com)

Charles E. Spevacek  
Tiffany M. Brown  
Meagher & Geer, P.L.L.P.  
33 S. Sixth Street, Suite 4400  
Minneapolis, MN 55402  
Ph: (612) 371-1324  
Fax: (612) 877-3015  
[cspevacek@meagher.com](mailto:cspevacek@meagher.com)  
[tbrown@meagher.com](mailto:tbrown@meagher.com)

**Lexington Insurance Company, Inc.:**

Deborah M. Kellam  
Hall & Evans, L.L.C.  
2015 Central Ave., Suite C  
Cheyenne, WY 82001  
[kellamd@hallevans.com](mailto:kellamd@hallevans.com)

Michael S. Davis  
Bryan D. Leinbach  
**ZEICHNER ELLMAN & KRAUSE  
LLP**  
1211 Avenue of the Americas  
New York, NY 10036  
Tel: (212) 223-0400  
Fax: (212) 753-0396  
[mdavis@zeklaw.com](mailto:mdavis@zeklaw.com)  
[bleinbach@zeklaw.com](mailto:bleinbach@zeklaw.com)

**Attorneys for Official Committee of  
Unsecured Creditors:**

Scott J. Goldstein  
Philip A. Pearlman  
Jamie N. Cotter  
Spencer Fane  
1000 Walnut Street, Suite 1400  
Kansas City, MO 64106  
1700 Lincoln Street, Suite 2000  
Denver, CO 80203  
[sgoldstein@spencerfane.com](mailto:sgoldstein@spencerfane.com)  
[jcotter@spencerfane.com](mailto:jcotter@spencerfane.com)  
[ppearlman@spencerfane.com](mailto:ppearlman@spencerfane.com)

/s/Bradley T. Hunsicker  
Bradley T. Hunsicker